

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Glass Dimensions, Inc. on behalf of the)
Glass Dimensions, Inc. Profit Sharing)
Plan and Trust, and all others)
similarly situated,)

Plaintiffs,)

v.)

State Street Corporation, State Street)
Bank and Trust Co., and)
State Street Global Advisors,)

Defendants.)

CIVIL ACTION NO: 1:10-CV-10588 (JLT)

**DECLARATION OF BRAD E. KONSTANDT IN SUPPORT OF
DEFENDANTS' MOTION FOR LEAVE TO TAKE EXPERT WITNESS DEPOSITIONS**

I, BRAD E. KONSTANDT, hereby declare as follows:

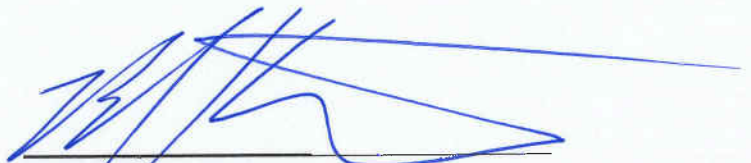
1. I am a counsel at the law firm of Wilmer Cutler Pickering Hale and Dorr LLP, counsel for Defendants State Street Corporation and State Street Bank and Trust Company (together with its division State Street Global Advisors), in the above-captioned action. I submit this Declaration in support of Defendants' Motion for Leave to Take Expert Witness Depositions.
2. Attached as Exhibit A is a copy of the National Association of Securities Dealers (NASD) decision in *Dist. Bus. Conduct Comm. v. John Anthony Tabacco, Jr.*, No. C10960146, dated February 3, 1997, which was obtained directly from the Financial Industry Regulatory Authority (FINRA) on March 12, 2013.

3. Attached as Exhibit B is a copy of an article from the Los Angeles Times entitled *Indictment Accuses 15 of Investment Fraud*, dated July 28, 2000, and publicly available at: <http://articles.latimes.com/2000/jul/28/business/fi-60612>.
4. Attached as Exhibit C is a copy of *Testimony Concerning the Involvement of Organized Crime on Wall Street*, delivered by Richard H. Walker, the former Director of the U.S. Securities and Exchange Commission Division of Enforcement, before the House Subcommittee on Finance and Hazardous Materials, Committee on Commerce, on September 13, 2000. It is publicly available at:
<http://www.sec.gov/news/testimony/ts142000.htm>.
5. Attached as Exhibit D is a copy of the federal criminal indictment against John A. Gotti, Joseph D'Angelo, Michael Yannotti, and Louis Mariani, dated June 6, 2005, and publicly available at:
<http://f11.findlaw.com/news.findlaw.com/cnn/docs/orgcrime/usgottijr704ind.pdf>.
6. Attached as Exhibit E is a copy of the FINRA BrokerCheck Report for John Anthony Tabacco, Jr., current as of March 12, 2013, and publicly available by searching for CRD No. 2239885 at: http://www.adviserinfo.sec.gov/IAPD/Content/Search/iapd_Search.aspx.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: April 1, 2013

New York, New York



Brad E. Konstandt (*pro hac vice*)
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